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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,610	12/29/2000	William A. Harris	H16-26054 US	8597

128 7590 02/28/2003

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EXAMINER

COX, CASSANDRA F

ART UNIT	PAPER NUMBER
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2816

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

P5

Office Action Summary	Application No.	Applicant(s)	
	09/751,610	HARRIS, WILLIAM A.	
	Examiner	Art Unit	
	Cassandra Cox	2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 December 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-3,20 and 21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-3,20 and 21 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 02 December 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s)	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Moreau (U.S. Patent No. 4,282,493).

In reference to claim 1, Moreau discloses in Figures 2 and 5, a circuit for dividing an input clock signal into N clock signals having a relative phase separation of $360^\circ/2N$, where N is a positive integer, the circuit comprising: a phase lock loop circuit (201) receiving an input signal having a frequency F_0 and providing an output signal (the output of level converter 206) having a frequency $2NF_0$; and a Johnson counter (207) having N stages connected to receive as an input the output signal (the output of level converter 206) of the phase lock loop circuit and providing an output signal (OUTPUT A, OUTPUT B; Fig. 5) as an error signal to the phase lock loop circuit (the output of 207); the Johnson counter (207) also connected for providing at least two output signals (OUTPUT A, OUTPUT B; Fig. 5) from at least two of the N stages of the Johnson counter (207) as clock signals each having a phase displaced from the phase of the other $360^\circ/2N$ (column 7, lines 23-27). The same applies to claim 20, wherein the multistage counting circuit is seen to be the Johnson counter (207) and the clock generator is seen to be the oscillator (205).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau (U.S. Patent No. 4,282,493).

In reference to claim 2, Moreau discloses all of the limitations of the claim as mentioned above with reference to claim 1, except that Moreau does not disclose that N is equal to 4. However, this is seen to be a design expedient dependent on the particular environment. Therefore, it would have been obvious to one of ordinary skill in the art that the value of N could be any number including 4, dependent on the particular environment and the desired results of the circuit. The same applies to claims 3 and 21.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Cox whose telephone number is 703-306-5735. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM and on alternate Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on (703)-308-4876. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

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872-9318 for regular communications and 703-872-9319 for After Final
communications.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is 703-308-
0956.

CC
cc

February 21, 2003



TIMOTHY P. CALLAHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800